

REMARKS

Claims 1 and 2 were presented for examination in the present application and stand finally rejected. The instant amendment amends claim 1. Thus, claims 1 and 2 are presented for consideration upon entry of the instant amendment, which is respectfully requested.

Claim 1 has been amended to remove the "prepared by cutting a metallic tube" and the "prepared by stamping" process limitations with respect to the metal sleeve and cover piece elements, respectively.

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) over Figs. 3 and 4 of the present application in view of U.S. Patent No. 5,169,323 to Kawai et al. (Kawai).

The Office Action asserts that Figures 3 and 4 meet claim 1 with the exception that they do not show a cover piece. See Paragraph 2 of the Office Action dated February 14, 2003.

Applicant respectfully traverses this rejection with respect to Figure 4.

Claim 1 requires, in part, two metal pins sealed in the glass stopper. Figure 4 does not disclose or suggest two metal pins sealed in a glass stopper. Rather, Figure 4 merely provides one metal pin 1 sealed in glass stopper 3.1. It is therefore submitted that prior art Figure 4 clearly does not disclose or suggest claim 1 with the exception of the cover piece as asserted.

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Accordingly, reconsideration and withdrawal of this ground for rejection of claim 1, as well as claim 2 that depends therefrom, are respectfully requested.

It is also respectfully submitted that claim 1 is not disclosed or suggested by Figure 3 in view of Kawai. Again, the Office Action asserts that Figure 3 meets claim 1 with the exception that it does not show a cover piece, but further asserts that Kawai provides a cover piece 23. Id.

Claim 1 provides, among other elements, a cover piece that is "sealed in said glass stopper". It is respectfully submitted that Kawai is directed to a connector having a detachable ground member and not a sealed cover piece as claimed by claim 1. Specifically, Kawai provides a multiple pole electrical connector including a cylindrical metal shell (6) and insulation housing (7) placed within the metal shell. The insulation housing has a plurality of ground member recesses (20) formed on its circumferential surface. The connector of Kawai also includes a plurality of detachable terminals (8) supported by the insulation housing, one of the detachable terminals serving as a ground terminal (9). A detachable ground member (23) is mounted on the ground terminal with a shell contact portion (24) thereof fitted in the ground member recess such that when the insulation housing is placed within the metal shell, the shell contact portion comes into close contact with an inside of the metal shell. See Abstract of Kawai.

Thus, it is respectfully submitted that the ground member (23) of Kawai is detachable with respect to the insulation housing (7) and is clearly not sealed in the glass stopper as provided in claim 1.

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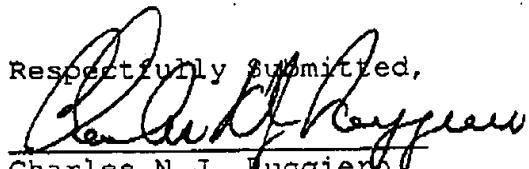
In fact, it is submitted that Kawai's detachable ground member (23) teaches away from the cover piece sealed in the glass stopper of claim 1. A reference that teaches away from the claimed invention is a significant factor to be considered in determining obviousness. MPEP 2145.D.1; see *In re Gurley*, 31 USPQ2d 1130 (Fed. Cir. 1994).

Accordingly, it is respectfully submitted that claim 1 is not disclosed or suggested by the proposed combination of Figure 3 with Kawai. Claim 1 is therefore believed to be in condition for allowance. Since claim 2 depends claim 1, claim 2 is also believed to be in condition for allowance.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is most earnestly solicited. In the alternative, it is respectfully submitted that the instant amendment places the present application in better condition for appeal.

Accordingly, entry and consideration of the instant amendment is respectfully requested. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

Respectfully submitted,



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JUN 16 2003
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